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PATENT APPLICATION

ATTORNEY DOCKET NO. 10012893-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): B. Poppemga et al.

Confirmation No.: 3075

Application No.: 10/006,692

Examiner: Michael J. Yigdall

Filing Date: Dec. 10, 2001

Group Art Unit: 2192

Title: System And Method For Efficiently Installing And Configuring Device Drivers In Managed Environments

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Oct. 4, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Signature: *[Signature]*

Respectfully submitted,

B. Poppemga et al.

By *[Signature]*

Steven R. Ormiston

Attorney/Agent for Applicant(s)

Reg No.: *35,974*Date: *Dec. 5, 2005*Telephone: *(202) 433-1991*

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I hereby certify that this Opening Brief On Appeal is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Date of Deposit: Dec. 5/2005

Typed or printed name: Terra F. Paulin

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: B. Poppenga et al.

Serial No: 10/006,692

Filed: December 10, 2001

Title: System And Method For
Efficiently Installing And Configuring
Device Drivers In Managed
Environments

) Attorney

) Docket Number: 10012893-1

) Group Art Unit: 2122

) Examiner: M. Yigdal

APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS.

Claims 14-27 are pending. All pending claims have been rejected. The rejection of Claims 15-18 and 20-23 is appealed. The rejection of Claims 14 and 19 is

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not appealed unless the proposed after-final amendment is entered incorporating the limitations of dependent Claims 15 and 20 into their respective base claims (independent Claims 14 and 19, respectively) and canceling Claims 15 and 20.

4. STATUS OF AMENDMENTS.

After the final action, Applicants sought to amend Claims 14 and 19 to add the limitations of dependent Claims 15 and 20, respectively. Accordingly, Applicants sought to cancel Claims 15 and 20. The Examiner's refusal to enter the proposed amendments is addressed in Grounds of Rejection to be Reviewed No. 1. Appendix II is a listing of claims showing the proposed amendments.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 15 recites a method facilitating device driver installation that includes: assigning a discrete identification number to each of a plurality of devices installed in a customer environment (e.g., step 42 in Fig. 2; Specification page 11, lines 9-13);

associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device (e.g., step 44 in Fig. 2; Specification page 6, line 28 through page 7, line 5 and page 11, lines 13-16);

storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment (e.g., Fig. 1, data repository 28 residing on database server 12; step 44 in Fig. 2; Specification page 6, line 28 through page 7, line 5 and page 11, lines 13-16); and

associating the identification numbers with the customer (e.g., Fig. 1, data repository 28 — device asset numbers, device location and customer information; Specification page 8, lines 3-20 and page 12, lines 19-26).

Claim 20 is a computer medium counterpart to the method of Claim 15. Claim 20 recites a computer readable medium having instructions thereon for:

assigning a discrete identification number to each of a plurality of devices installed in a customer environment (e.g., step 42 in Fig. 2; Specification page 11, lines 9-13);

associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device (e.g., step 44 in Fig. 2; Specification page 6, line 28 through page 7, line 5 and page 11, lines 13-16);

storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment (e.g., Fig. 1, data repository 28 residing on database server 12; step 44 in Fig. 2; Specification page 6, line 28 through page 7, line 5 and page 11, lines 13-16); and

associating the identification numbers with the customer (e.g., Fig. 1, data repository 28 -- device asset numbers, device location and customer information; Specification page 8, lines 3-20 and page 12, lines 19-26).

6. GROUNDS OF REJECTION TO BE REVIEWED.

1. The proposed after-final amendment to Claims 14 and 19 should have been entered as an amendment canceling claims.

2. Chiloyan (2002/0083228) does not disclose any association between the device identification numbers and the customer.

3. It is not necessary to recite a second database "*different from the first database*" when reciting discrete first and second databases.

7. ARGUMENT.

GROUND NO. 1

The Proposed After-Final Amendment To Claims 14 And 19 Should Have Been Entered As An Amendment Canceling Claims

After the final action, Applicants sought to amend Claims 14 and 19 to add the limitations of dependent Claims 15 and 20, respectively. Accordingly, Applicants sought to cancel Claims 15 and 20. An amendment canceling claims may be made after the final action. 37 C.F.R. § 1.116(b)(1). The practical effect of the proposed amendment is the cancellation of Claims 14 and 19 and the rewriting of Claims 15 and 20 as independent claims. Appellants will, if the Office prefers, cancel Claims 14 and 19 directly and rewrite Claims 15 and 20 as independent claims.

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GROUND NO. 2**Chiloyan Does Not Disclose Any Association Between The Device Identification Numbers And The Customer**

Ground No. 2 applies to all appealed claims.

Claims 15-18 and 20-23 were rejected under Section 102 as being anticipated by Chiloyan (2002/0083228).

Claim 15 requires associating discrete identification numbers for each of a plurality of devices installed in a customer environment with the customer; associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device; and storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment. Claim 20 is a computer medium counterpart to Claim 15 and contains similar limitations.

Chiloyan teaches querying a device to obtain a "device descriptor" that includes a "vendor ID and a product ID" used to locate a "network address" in a database that, apparently, associates the vendor ID and/or the product ID with the network address. The appropriate device driver is downloaded from the network address or another address linked to the network address. Chiloyan, paragraphs 0035-0037 and 0041.

Chiloyan does not disclose any association between the device identification numbers and the customer. The Office argues in the Advisory Action that Chiloyan teaches this limitation at paragraph 0043, lines 1-4 and 10-12 by determining "(a) whether the individual customer has already installed that device..." and "(b) whether the individual customer has set a flag for that device...."

First, Chiloyan does not determine whether the individual customer has already installed the device. Rather, Chiloyan determines whether the correct device driver is already installed on a computer hosting the device. Chiloyan paragraph 0043, lines 1-3. Second, neither determination (a) or (b) has anything to do with the user of the device or the computer or the customer environment in which they are installed -- Chiloyan doesn't care which customer has the device or who is using it. More importantly, Chiloyan has no way of knowing which devices are installed in a particular customer environment because he does not associate device IDs with the customer.

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Appellants acknowledge that downloading a driver to a computer hosting the device necessarily involves identifying the location of the computer. It may be assumed also that someone uses the computer and the device. Indeed, there may be many users of the computer and the device within a single customer environment. And, in some cases, the customer and the user may even be the same person. Knowing the location of a host computer (or the device itself) for which there is a user, however, does not constitute associating a device ID with the customer in whose environment the device is installed. This information does not even constitute associating a device ID with the user.

Chiloyan paragraph 0043 teaches accessing "the network address" for advertising materials rather than a driver in the event the appropriate device driver is already installed on the host computer. "The network address" is the same network address used to access the device driver. The same procedure is used for downloading the advertising material and/or downloading a driver — the device is queried for a device descriptor that includes a vendor ID or a product ID used to locate the network address and then this network address is accessed to download the advertising material. Nowhere in this process is any association made between any kind of device ID and the customer. Nor is any such association required to complete Chiloyan's download procedure. The host computer simply goes out to "the network address" and downloads a driver or the advertising material (unless the user chooses to suppress the advertising material).

GROUND NO. 3

It Is Not Necessary To Recite A Second Database "*Different From The First Database*" When Reciting Discrete First And Second Databases

Ground No. 3 applies to Claims 18 and 23.


Claims 18 and 23 add the further limitations of storing the identification numbers and associated configuration information in a first database on the database server and storing the associated device drivers in a second database on the database server.

Chiloyan does not disclose storing the identification numbers and associated configuration information in a first database and storing the associated device drivers in a second database. In rejecting Claims 18 and 23, the Examiner asserts only that both

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items (configuration information and drivers) in Chiloyan are stored "in a database on a server" and "on the database server." The Examiner argues in the Advisory Action that Claims 18 and 23 do not require that the first and second databases are different databases. Appellants disagree. If both groups of information were stored in the same database, then reciting a first database and a second database in Claims 18 and 23 would be meaningless. The Examiner has, therefore, read these limitations out of the claims. So far as Appellants are aware, it is not necessary to recite a second something "*different from the first something*" when reciting discrete first and second somethings.

Respectfully submitted,

By 
Steven R. Ormiston
Reg. No. 35,974
(208) 433-1991

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APPENDIX I -- CLAIMS INVOLVED IN THE APPEAL

14. A method for facilitating device driver installation, comprising:
assigning a discrete identification number to each of a plurality of devices installed in a customer environment;
associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device; and
storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment.
15. The method of Claim 14, further comprising associating the identification numbers with the customer.
16. The method of Claim 15, further comprising associating a device driver with each identification number and storing the associated device drivers together with the identification numbers at the remote location.
17. The method of Claim 16, wherein:
storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment comprises storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server, and
storing the associated device drivers together with the identification numbers at the remote location comprises storing the associated device drivers on the database server.

18. The method of Claim 17, wherein:

storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server comprises storing the identification numbers and associated configuration information in a first database on the database server; and

storing the associated device drivers together with the identification numbers at the remote location comprises storing the associated device drivers on the database server comprises storing the associated device drivers in a second database on the database server.

19. A computer readable medium having instructions thereon for:

assigning a discrete identification number to each of a plurality of devices installed in a customer environment;

associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device; and

storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment.

20. The medium of Claim 19, further comprising instructions for associating the identification numbers with the customer.

21. The medium of Claim 20, further comprising instructions for associating a device driver with each identification number and storing the associated device drivers together with the identification numbers at the remote location.

22. The medium of Claim 21, wherein:

the instructions for storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment comprise instructions for storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server; and

the instructions for storing the associated device drivers together with the identification numbers at the remote location comprise instructions for storing the associated device drivers on the database server.

23. The medium of Claim 22, wherein:

the instructions for storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server comprise instructions for storing the identification numbers and associated configuration information in a first database on the database server; and

the instructions for storing the associated device drivers together with the identification numbers at the remote location comprise instructions for storing the associated device drivers on the database server comprises storing the associated device drivers in a second database on the database server.

APPENDIX II – PROPOSED AMENDED CLAIMS

14.(currently amended) A method for facilitating device driver installation, comprising:

assigning a discrete identification number to each of a plurality of devices installed in a customer environment;

associating the identification numbers with the customer;

associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device; and

storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment.

15.(canceled)

16.(currently amended) The method of Claim 14 ~~45~~, further comprising associating a device driver with each identification number and storing the associated device drivers together with the identification numbers at the remote location.

17.(previously presented) The method of Claim 16, wherein:
storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment comprises storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server; and

storing the associated device drivers together with the identification numbers at the remote location comprises storing the associated device drivers on the database server.

18.(previously presented) The method of Claim 17, wherein:
storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server

comprises storing the identification numbers and associated configuration information in a first database on the database server; and

storing the associated device drivers together with the identification numbers at the remote location comprises storing the associated device drivers on the database server comprises storing the associated device drivers in a second database on the database server.

19.(currently amended) A computer readable medium having instructions thereon for:

assigning a discrete identification number to each of a plurality of devices installed in a customer environment;

associating the identification numbers with the customer;

associating information for configuring a driver for each of the devices installed in the customer environment with the identification number for the device; and

storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment.

20.(canceled)

21.(currently amended) The medium of Claim 19 20, further comprising instructions for associating a device driver with each identification number and storing the associated device drivers together with the identification numbers at the remote location.

22.(previously presented) The medium of Claim 21, wherein:
the instructions for storing the identification numbers and associated configuration information together at a location remote from the customer environment and accessible to the customer environment comprise instructions for storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server; and

the instructions for storing the associated device drivers together with the identification numbers at the remote location comprise instructions for storing the associated device drivers on the database server.

23.(previously presented) The medium of Claim 22, wherein:

the instructions for storing the identification numbers and associated configuration information on a database server accessible to the customer environment through a web server comprise instructions for storing the identification numbers and associated configuration information in a first database on the database server; and

the instructions for storing the associated device drivers together with the identification numbers at the remote location comprise instructions for storing the associated device drivers on the database server comprises storing the associated device drivers in a second database on the database server.